



King County

Road Services Division

Department of Transportation

201 South Jackson Street

MS KSC-TR-0313

Seattle, Washington 98104

www.metrokc.gov/roads

Adoption of Existing Environmental Document

Adoption For: Determination of Nonsignificance (DNS)

Description of Current Proposal: Road maintenance activities conducted by King County DOT, Road Services Division, Road Maintenance Section (KC RMS) under the Regional Road Maintenance Endangered Species Act (ESA) Program Guidelines (RRMPG).

The Introduction (page x) defines implementation of the RRMPG including the applicable maintenance operations, the definition of maintenance, the definition of road maintenance as mitigation (page xi) and the definition of the Right of Way Structure (page xii). Part 1 of the RRMPG includes the following 10 Program Elements: Regional Forum, Program Review and Approval, Training, Compliance Monitoring, Scientific Research, Adaptive Management, Emergency Response, Biological Data Collection, Biennial Reports, and Best Management Practices (BMPs) and Conservation Outcomes. Program Element 10, BMPs and Conservation Outcomes, includes 15 Maintenance Categories. Each Maintenance Category defines the maintenance activity, purpose, BMP outcomes, guidance on BMP implementation, use of both Part 1 and Part 2 BMPs included in the RRMPG, and potential conservation outcomes.

(<http://www.kingcounty.gov/transportation/kcdot/Roads/Environment/RegionalRoadMaintenanceESAGuidelines.aspx>)

Activities that are described in the definition of “maintenance” are included in the RRMPG. These actions include the repair and maintenance activities that are conducted on currently serviceable structures, facilities and equipment, and that involve no expansion of, or change in use of, such structures, facilities and equipment beyond those that existed previously and do not result in significant negative hydrological impact. Repair and maintenance include those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems or to replace dysfunctional facilities. Repair and maintenance may also include replacement of existing structures with different types of structures, provided that this modification is required to meet current engineering or regulatory standards and that the functional characteristics of the original structures are not changed.

Road maintenance activities can be both scheduled and non-scheduled activities that are needed to maintain the functional integrity of any part of the road right-of-way structure. Road maintenance activities protect the environment, public safety, public

infrastructure, structures and systems including the services necessary for the daily operation of the county roadway system.

The RRMGP is divided into three parts. **Part 1** describes the program framework, including the 10 program elements that comprise the program as mentioned above. Program Element 10 includes 15 Maintenance Categories; Roadway Surface, Enclosed Drainage Systems, Cleaning Enclosed Drainage Systems, Watercourses and Streams, Stream Crossings, Gravel Shoulders, Street Surface Cleaning, Bridge Maintenance, Snow and Ice Control, Emergency Slide/Washout Repair, Concrete, Sewer Systems, Water Systems and Vegetation. Each Maintenance Category includes general BMPs applicable to that category. **Part 2** of the RRMGP elaborates on site specific BMPs and provides detailed instructions to crews, supervisors, environmental support staff, design personnel and managers. **Part 3** provides a process by which additional counties, cities and ports in Washington State may adopt the RRMGP. The Regional Forum, of which King County is a member, is required to coordinate and check in with NOAA Fisheries every five years regarding any proposed revisions pursuant to Program Element 6, Adaptive Management, that were developed or modified based on field experience and research that will improve the program over time, as specified under Limit 10 of the 4(d) rules (50 CFR Part 223, July 10, 2000).

In addition to the document described above, King County Road Services Division has enacted policies and programs to comply with KC Executive Orders regarding Green House Gas Emissions. These may include, but are not limited to, the following: 1) No Idle Policy, which requires that county vehicles do not idle for more than 3 minutes except in emergencies or for safety; 2) retrofitting facilities with more efficient lighting and HVAC systems; 3) replacement of incandescent traffic signal lighting with LED lighting and 4) commute reduction programs such as telecommuting, vanpooling and carpooling.

King County Road Services Division has also enacted programs to address KC Executive Order PUT 8-20, which directs King County to integrate biodiversity conservation principles into its operations. King County Road Maintenance will consider the following actions to comply with this order:

- Increase efforts to control noxious and invasive weeds in the ROW and in pit sites.
- Plant less common native plants when conditions are suitable.
- Consider wildlife and amphibian passage under roads when replacing culverts in Type N and Type O waters and wetlands.
- Improve road runoff water quality through ditch BMPs.
- Maintain KC RMS fish passage program.
- Improve West Nile virus control efforts to reduce impacts to avian species.
- Reduce greenhouse gas emissions.
- Other actions as necessary.

Proponent: King County DOT, Road Services Division

Location of Current Proposal: All King County, and contract city, road right-of-way structures located in King County, Washington.

Title of Document being adopted: NOAA Fisheries Northwest Region Sequential Environmental Assessment (EA) for ESA Section 4(d) Limit 10 Routine Road Maintenance Program Submittal from Jurisdictions in Washington State.

Agency that prepared document being adopted: NOAA Fisheries Northwest Region; 525 NE Oregon Street, Suite 500; Portland, Oregon 97232.

Date adopted document was prepared: January 10, 2003

Description of document (or portion) being adopted: EA and Findings of No Significant Impact (FONSI)

The Federal Action of approving the RRMPG under Limit 10 required environmental review under the National Environmental Policy Act (NEPA). NOAA Fisheries used a sequential approach to conduct its NEPA reviews. The first review was conducted in the Limit 10 Programmatic Environmental Assessment (EA) (National Marine Fisheries Service 2002), which assessed environmental impacts associated with the implementation of Limit 10 as a NOAA Fisheries policy. The Limit 10 Programmatic EA forms the basis for subsequent NEPA analyses by broadly assessing all Evolutionary Significant Units (ESUs) that could be impacted by future Road Maintenance submittals, and by analyzing the potential impacts of implementing the Limit 10 as a policy against the No Action Alternative scenario of not implementing a 4(d) rule or associated limit options. The programmatic EA also compared a Limit 10 policy against the alternative of implementing the 4(d) rule, but without the limit options (National Marine Fisheries Service 2002).

The above document completed the second review which was conducted at the program submittal stage. NOAA Fisheries prepared this Limit 10 Sequential EA to "tier off" the larger scale Limit 10 Programmatic EA (NOAA Fisheries 2002) (subsection 1.4, Environmental Review Process). In doing so, NOAA Fisheries compared the broader Limit 10 policy implementation as well as potential impacts to ESUs affected by road maintenance activities conducted by the 25 Washington jurisdictions that submitted applications for 4(d) coverage in the state of Washington. King County was one of the 25 participating jurisdictions. This EA evaluates the environmental consequences associated with the RRMPG submitted by the 25 jurisdictions, as well as three other alternatives to the proposed RRMPG (including the No Action Alternative). The proposed action (approving the 25 application for 4(d) coverage) was determined to have no direct or indirect negative impacts on land use, geology, physiography, soils, climate, air quality, water quantity, vegetation, salmonid or non salmonid fish, wildlife, demographic trends, economy, recreation, cultural resources, tribal treaty rights, or environmental justice issues, but it would provide beneficial impacts. The RRMPG

provides the opportunity to perform road maintenance activities and avoid liability under the ESA and at the same time provide NOAA Fisheries with an additional management tool for conserving listed species. Therefore, its cumulative effect would be to add to the ongoing and planned state, local and private integrated planning efforts that may directly or indirectly benefit these resources. Over all, the RRMPG augments past, present and foreseeable planning efforts within the geographic range of the 14 ESUs and add a conservation tool for protecting these salmon and steelhead populations.

Extensive public outreach was performed by both NOAA Fisheries and the Tri-County Salmon Conservation Coalition (TCSCC). After proposing the 4(d) rule, NOAA Fisheries held 25 public hearings and attended approximately 100 workshops and meetings with constituents. After examining over 1,500 written comments and participating in negotiation and informational sessions, NOAA Fisheries produced the 4(d) rule comprising 13 (total) limits on the ESA Section 9 Take Prohibitions (65 FR 42422).

Public outreach, including two public notices, was performed on the Sequential EA. On January 25, 2002, a Federal Register Notice (67 FR 3688) was published announcing the availability of the RRMPG for public comment. A 30-day extension of the public comment period was announced on March 13, 2002 (67 FR 11285). The public comment period closed on April 12, 2002. NOAA Fisheries completed its review and response to public comments in September 2002. NOAA Fisheries initiated ESA Section 7 consultation on March 28, 2003 and issued ESA Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the RRMPG, Pursuant to Limit 10(ii) of the NMFS 4(d) Rule (F/NWR/2003/00313), on August 15, 2003 (<http://www.kingcounty.gov/transportation/kcdot/Roads/Environment/RegionalRoadMaintenanceESAGuidelines.aspx>).

If the document being adopted has been challenged (WAC 197-11-630), please describe: There have not been any challenges.

The document is available to read at:

<http://www.kingcounty.gov/transportation/kcdot/Roads/Environment/RegionalRoadMaintenanceESAGuidelines.aspx> or contact Janine Johanson for a CD at: janine.johanson@kingcounty.gov.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of Agency Adopting Document: King County Road Services Division, Road Maintenance Section

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